

2001 House Committee on Judiciary

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HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

March 19, 2001
 8:00 a.m.

Hearing Room 357
 Tapes 41 - 45

MEMBERS PRESENT: Rep. Cherryl Walker, Chair
 Rep. Vic Backlund
 Rep. Kathy Lowe
 Rep. Charlie Ringo
 Rep. Lane Shetterly
 Rep. Max Williams

STAFF PRESENT: Andrea Shartel, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: HB 2771 Public Hearing
 HB 2700 Public Hearing
 HB 2460 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| TAPE/# | Speaker | Comments |
|--------------------------------------|--------------------------|--|
| TAPE 41, A 005 | Chair Walker | Calls the meeting to order at 8:10 a.m. and opens a public hearing on HB 2771. |
| HB 2771 PUBLIC HEARING 015 | Andrea Shartel | Committee Counsel. Introduces HB 2771 that creates Protective Proceedings and Fiduciary Services Task Force. |
| 035 | Bertran Copp | Senior Advocate. States there is no advocate for senior citizens in this bill. Testifies on HB 2771 and submits testimony (EXHIBIT A). |
| 051 | Bob Joondeph | Oregon Advocacy Center Testifies in support of HB 2771 and submits testimony (EXHIBIT B). |
| 061 | Rep. Kathy Lowe | Asks Mr. Joondeph if he thinks that seniors should be added to this bill. |
| 051 067 | Joondeph Chair Walker | Replies that would be a good idea. Closes the public hearing on HB 2771 and opens a public hearing on HB 2700. |

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| HB 2700 PUBLIC HEARING 081 | Rep. Tim Knopp | House District 54 Testifies in support of HB 2700, which prohibits a health care facility from retaliating against a health care provider because the provider takes certain actions relating to care, services or conditions at the care facility. |
| 102 | Sen. Rick Metsger | Senate District 14 Testifies in support of HB 2700. States this bill ensures proper nursing care and that nurses are advocates for patients. |
| 132 | Chair Walker | Notes the -3 amendments (EXHIBITS C and D). |

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| 140 | Rep. Knopp | Supports the -3 amendments. |
| 142 | Chair Walker | Closes the public hearing on HB 2700 and opens a public hearing on HB 2460. |
| HB 2460 PUBLIC HEARING | | |
| 150 | Rep. Kurt Schrader | |
| 240 | Sen. Ginny Burdick | House District 23 Testifies in support of HB 2460 that allows a defendant in a civil action to make a motion to strike if a plaintiff's claim arises out of certain conduct in furtherance of constitutional right to petition or right of free speech about public issues. |
| 374 | Dave Heynderickx | Senate District 6 Testifies in support of HB 2460. Discusses the impact on individuals in certain law suits. Discusses importance of public participation in land use issues. |
| 388 | Rep. Ringo | Legislative Counsel Testifies in support of HB 2460 and notes that this bill is closely modeled on the California statute. |
| 394 | Heynderickx | Asks if California has the special motion to strike and asks if it is working well. |
| 403 | Rep. Shetterly | Answers yes and says that it seems to be working. Comments that they are trying to balance the system with this bill. |
| 464 | Rep. Lowe | Asks Heynderickx if he knows how court history has developed around stopping the discovery process in California. |
| 462 | Heynderickx | Answers that California amended the law to address discovery. |
| TAPE 42, A | | |
| 029 | Chair Walker | Closes the public hearing on HB 2460 and re-opens the public hearing on HB 2700. |
| HB 2700 PUBLIC HEARING | | |
| 055 | Counsel Shartel | Introduces HB 2700 and discusses the proposed -3 amendments (EXHIBIT D). |
| 060 | Jack Roberts | Commissioner, Bureau of Labor and Industries (BOLI) Testifies on HB 2700 as a neutral witness. Wants to clarify that BOLI enforcement pertains to employees' rights. |
| 084 | Rep. Shetterly | Says that we have some whistle blower protection laws in place already for health care workers and asks how this relates to existing protections. |
| 090 | Roberts | Answers that the protections that they deal with are safety, and wage and hour laws of workers. A worker who is fired because he complained about the level of care being given would not be protected under BOLI at the present time. |
| 103 | Chair Walker | Asks for clarification between employees and contract care providers. |
| 106 | Roberts | Replies under Section 4, subsection 2. |
| 122 | Rep. Lowe | Asks about line 14, does that include non-professional workers? |
| 150 | Roberts | Answers that he does not know if they are included but thinks they should be. |
| 185 | Susan King | Oregon Nurses Association Testifies in support of HB 2700 and submits testimony (EXHIBIT E). Relates the importance of HB 2700 to protect nurses and to improve care of patients. Describes the conditions existing today in the health care industry. Explains how problems in health care are reported to facility managers and responses from administration. |
| 395 | Rep. Ringo | Asks how to evaluate what the care provider reports as unsafe conditions. |
| TAPE 41, B | | |
| 003 | King | Answers that nurses are obligated to identify problems within the system and work towards a solution. |